

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

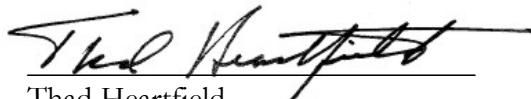
MICHAEL DUNTAE FAGANS, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 6:18-CV-00238-TH
§
CRAIG L BASS, ATTORNEY AT LAW; §
TANYA L REED, ASSISTANT §
DISTRICT ATTORNEY; DAVID §
BRABHAM, JUDGE; AND WILLIAM §
JENNINGS, JAIL ADMINISTRATOR; §
§
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On November 19, 2018, the Magistrate Judge issued his Report and Recommendation (Doc. No. 13), recommending that the above-styled case be dismissed with prejudice to the claims being asserted again until such time as Plaintiff can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus. Plaintiff, proceeding *pro se* and *in forma pauperis*, filed Objections (Doc. No. 15) to the Report and Recommendation. Generally speaking, Plaintiff argues that he previously requested an extension to comply with the Court's Orders to amend and pay an initial partial filing fee (Doc. Nos. 9 and 10), however, that request was never filed on the docket. (Doc. No. 15.) Plaintiff has also submitted an Amended Complaint (Doc. No. 16) with his Objections.

The Court conducted a *de novo* review of the portions of the Magistrate Judge's findings to which objections have been raised and finds that the Magistrate Judge's findings and conclusions are correct. 28 U.S.C. § 636(b)(1). Furthermore, the Court notes that Plaintiff's Amended Complaint (Doc. No. 16) does not overcome the Magistrate Judge's findings that Plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Accordingly, the Court **OVERRULES** Plaintiff's Objections (Doc. No. 15) and **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 13) as the findings of the Court. The above-styled case is **DISMISSED WITH PREJUDICE** to the claims being asserted again until such time as Plaintiff can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus.

SIGNED this the 23 day of **May, 2019**.



Thad Heartfield
United States District Judge